

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEM CELL THERAPEUTICS
USA, PLC,

Plaintiff,
v.
Case No. 17-cv-13480
Hon. Matthew F. Leitman

NATIVE STEM CELL, PLLC, *et al.*,

Defendants.

ORDER (1) DENYING DEFENDANTS' MOTION TO DISMISS (ECF #7)
WITHOUT PREJUDICE AND (2) DIRECTING PLAINTIFF TO FILE A
FIRST AMENDED COMPLAINT

On October 25, 2017, Plaintiff Stem Cell Therapeutics USA, PLC filed this action against Defendants Native Stem Cell, PLLC and Kevin Crawford, D.O. (*See* Compl., ECF #1.) Among other things, Plaintiff alleges that the Defendants infringed certain of its intellectual property rights. (*See id.*)

On December 12, 2017, Defendants filed a motion to dismiss Plaintiff's Complaint pursuant to Rules 9(a), 12(b)(6), and 17(a) of the Federal Rules of Civil Procedure. (*See* ECF #7.) In the motion, Defendants argue, among other things, that Plaintiff's Complaint does not plead sufficiently detailed or specific factual allegations and therefore fails to state a plausible claim as required by the Supreme Court's decision in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). (*See id.* at Pg. ID 61-62.)

The Court held a telephonic status conference with counsel on June 26, 2018. (See ECF #20.) As the Court explained during that conference, without expressing any view regarding the merits of Defendants' pending motion to dismiss, **IT IS HEREBY ORDERED** that (1) Defendants' motion to dismiss (ECF #7) is **DENIED WITHOUT PREJUDICE** and (2) Plaintiff is granted leave and shall file a First Amended Complaint by no later than **July 17, 2018**. Defendants shall answer or otherwise respond to the First Amended Complaint by no later than **August 7, 2018**.

This is Plaintiff's opportunity to remedy any and all purported pleading defects identified in Defendants' motion to dismiss and to plead any additional factual allegations that address those deficiencies. The Court will not be inclined to grant Plaintiff any additional opportunities to amend its Complaint after it files the First Amended Complaint.

IT IS SO ORDERED.

Dated: June 26, 2018

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 26, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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